

KARNATAKA CIVIL SERVICES (GENERAL
RECRUITMENT) RULES, 1977

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NOTIFICATION

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KARNATAKA CIVIL SERVICES (GENERAL RECRUITMENT) RULES, 1977.

NOTIFICATION

No DPAR 57 SRR 75, dated 25th June 1977.

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Karnataka hereby makes the following rules, namely :—

1. Title, commencement and application —(1) These rules may be called the Karnataka Civil Services (General Recruitment) Rules, 1977.

(2) They shall come into force on the date of their publication in the official Gazette.

(3) (a) These rules shall apply to recruitment to all State Services and to all posts in connection with the affairs of the State of Karnataka and to members of all State Civil Services and to the holders of posts whether temporary or permanent except to the extent otherwise expressly provided—

(i) by or under any law for the time being in force ; or

(ii) in respect of any member of such service by a contract or agreement subsisting between such member and the State Government.

(b) These rules shall not apply to recruitment to posts—

(i) to be filled by appointment of members of All India Services;

(ii) in any Industrial Undertakings of the Government ;

(iii) filled by casual employment ; and

(iv) in work-charged establishments.

2. Definitions.—(1) In these rules and in the rules of recruitment specially made in respect of any service or post, unless the context otherwise requires,—

(a) “ appointed on probation ” or “ appointed on officiating basis ” means appointed on trial.

(b) “ Armed Forces of the Union ” means the Naval, Military or Air Forces of the Union and includes the Armed Forces of the former Indian States ;

(c) “Bachelor’s degree”, “Master’s degree”, “Degree” or “Doctorate” means such degree or doctorate granted by a University established by law in India ;”

(d) ‘Backward Tribes’ means the backward tribes notified by Government in G. O. No. DPAR 1 SBC 77, dated 4th March 1977 ;

(e) “Commission” means the Karnataka Public Service Commission ;

(f) “diploma” or “certificate” means a diploma or certificate granted by a University established by law in India or by an authority authorised by the Government to grant such diploma or certificate ;

(g) “direct recruitment” in relation to any service or post means appointment otherwise than by promotion or transfer from any State Civil Service, but shall not include appointment under rule 15 ;

(h) “equivalent qualification” means a qualification notified by the Government to be equivalent to a qualification prescribed in respect of any post in the rules regulating recruitment to any State Civil Service ;

(i) “ex-serviceman” means a person who has served in any rank (whether as a combatant or non-combatant) in the Armed Forces of the Union for a continuous period of not less than six months, and—

(i) has been released, otherwise than by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve/pending such release, or

(ii) has to serve for not more than six months for completing the period of service requisite for becoming entitled to be released or transferred to the reserve as aforesaid ;

(j) “Government” means the Government of Karnataka ;

(k) “Government servant” means a person who is a member of the Civil Services of the State of Karnataka or who holds a civil post in connection with the affairs of the

State of Karnataka and includes any person whose services are temporarily placed at the disposal of the Government of India, the Government of another State, a local authority, any person or persons whether incorporated or not ;

(l) "local candidate" shall have the same meaning as in the Karnataka Civil Services Rules :

(m) "promotion" means the appointment of a Government servant from a post or grade of service or class of service to a higher post or higher grade of service or higher class of service ;

(n) "selection" means selection in accordance with the provisions of these rules,—

(i) after consulting the Commission where such consultation is necessary ; or

(ii) by the Advisory or Selection Committee, if any, appointed for the purpose by the Government ; or

(iii) by the Appointing Authority where no Advisory or Selection Committee has been appointed.

(2) The General Clauses Act, 1897 (Central Act X of 1897), shall apply for the interpretation of these rules as it applies for the interpretation of a Central Act.

3. Method of recruitment.—Except as otherwise provided in these rules or any other rules specially made in this behalf, recruitment to any service or post shall be made by direct recruitment which may be either by competitive examination or by selection, or by promotion which may be either by selection or on the basis of seniority-cum-merit. The methods of recruitment and qualifications shall be as specified in the rules of recruitment specially made in that behalf :

Provided that in respect of direct recruitment to any service or post when the method of recruitment is not specified in the rules of recruitment specially made, the method of recruitment shall be by selection after an interview by the Commission, the Advisory or Selection Committee or the Appointing Authority, as the case may be.

4. Procedure of appointment.—Subject to the provisions of these rules, appointments to any service or post shall be made—

(1) in the case of recruitment by direct recruitment,—

(a) if it is by competitive examination, in the order of merit from the list of candidates prepared by the Commission or other examining authority ;

(b) if it is by selection, after giving such adequate publicity to the recruitment as the appointing authority may determine, in the order of merit of candidates as determined by the Commission, the Advisory or Selection Committee, or the Appointing Authority, as the case may be ; and

(2) in the case of recruitment by promotion,—

(a) if it is to a post to be filled by promotion by selection, by selection of a person, on the basis of merit and suitability in all respects to discharge the duties of the post with due regard to seniority, from among persons eligible for promotion ;

(b) if it is to a post other than that referred to in sub-clause (a), by selection of a person on the basis of seniority-cum-merit, that is, seniority subject to fitness of the candidate to discharge the duties of the post, from among persons eligible for promotion.

5. Disqualification for appointment.—(1) No person shall be eligible for appointment to a State Civil Service unless he is,—

(a) a citizen of India ; or

(b) a subject of Nepal ; or

(c) a subject of Bhutan ; or

(d) a Tibetan refugee who came over to India before the 1st January 1962 with the intention of permanently settling in India ; or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Shri Lanka and the East African countries of Kenya, Uganda, the United Republic of

Tanzania (formerly Tanganika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a person belonging to category (b), (c) (d) or (e) shall not be appointed unless he produces a certificate of eligibility issued by the Deputy Commissioner/ District Magistrate of the district in the State in whose jurisdiction the applicant is ordinarily a resident:

Provided further that a person belonging to category (b), (c), (d) or (e) may be admitted to an examination or interview conducted by the Commission or other recruiting authority.

(2) No man who has more than one wife living and no woman who has married a man already having another wife, shall be eligible for appointment to a State Civil Service:

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

(3) No person who attempts to obtain extraneous support by any means for his candidature from officials or non-officials shall be eligible for appointment to a State Civil Service.

(4) No applicant for appointment to a post in any department of Government shall be eligible for appointment if he is, at the time of his application, in permanent or temporary employment in any other Department of Government or under any other State Government or Central Government or any other authority specified by the Government in this behalf and has made the application without the consent of the Head of the Department or of the Government or of the authority, as the case may be, under whom he is employed:

Provided that this sub-rule shall not be applicable to a person employed in any department of Government as a local candidate as long as he is treated as such.

(5) No person who has not passed the fourth standard examination in any language and who does not express willingness to serve as a member of the Home Guards under the Karnataka Home Guards Act, 1962 shall be appointed as a peon in any of the State Civil Services and every person appointed as peon shall, if so required by the appointing authority, at any time be liable to serve as a member of the Home Guards.

(6) No person shall be eligible for appointment to a State Civil Service if he or she—

(a) is or has been a member of, or has associated himself or herself with, any body or association after such body or association is declared as an unlawful body or association; or

(b) has participated in, or is associated with, any activity or programme—

(i) aimed at subversion of the Constitution of India; or

(ii) aimed at organised breach or defiance of law involving violence; or

(iii) which is prejudicial to the interests of the sovereignty and integrity of India or the security of the State; or

(iv) which promotes, on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people; or

(c) is dismissed from service under the Government of India or any State Government; or

(d) is or has been permanently debarred or disqualified by the Union or any State Public Service Commission from appearing for any examinations or selections conducted by it.

(7) No person who is or has been convicted of an offence involving moral turpitude or who is or has been temporarily debarred or disqualified by the Union or any State Public Service Commission from appearing for examinations or selections conducted by it shall ordinarily be appointed to

the State Civil Services unless, the Government after a view of all the circumstances consider him suitable for such appointment.

6. Age limit for appointment.—(1) Save as otherwise provided in the rules of recruitment specially made and applicable to any service or post, every candidate for appointment by direct recruitment must have attained the age of eighteen years and not attained the age of—

(a) thirty-three years in the case of a person belonging to any of the Scheduled Castes or Scheduled Tribes or Backward Tribes; and

(b) twenty-eight years in the case of any other person, on the last date fixed for the receipt of applications or on such other date as may be specified by the appointing authority.

(2) Where a maximum age limit other than the age limit specified in sub-rule (1) is fixed for recruitment to any service or post, then, unless the rules of recruitment provide for enhanced age limit in the case of a candidate belonging to any Scheduled Caste or Scheduled Tribe or Backward Tribe, the maximum age limit shall be deemed to have been enhanced by five years in respect of such candidate.

(3) Notwithstanding anything contained in sub-rule (2) the maximum age limit for appointment shall be deemed to be enhanced in the following cases to the extent mentioned, namely :—

(a) in the case of a candidate for appointment to a Class IV post on the personal establishment of a Minister, Minister of State or Deputy Minister, by five years, if such appointment is only for the duration of the term of office of such Minister, Minister of State or Deputy Minister;

(b) in the case of a candidate who is or was holding post under the Government or a local authority or a corporation owned or controlled by the Government by the number of years during which he is or was holding such post or five years whichever is less;

(c) in the case of a candidate who is an ex-serviceman, by the number of years of service rendered by him in the Armed Forces of the Union ;

(d) in the case of a candidate who has been released from the National Cadet Corps after service as whole-time Cadet Instructor by the number of years of service rendered by him as such Cadet Instructor ;

(e) in the case of a candidate who is or was a Village Group Inspector appointed in a Rural Industrialisation Scheme sponsored by the State Government, by the number of years of his service as such Village Group Inspector ;

(f) in the case of a candidate who is physically handicapped, by ten years ;

(g) in the case of a candidate who is or was a member of the staff of the former Maharaja of Mysore, by the number of years he is or was such a member ;

(h) in the case a candidate who is or was holding a post under the Census Organisation of the Government of India in this State, by the number of years during which he is or was holding such post or by five years whichever is less ;

(i) in the case of a candidate who is a widow, by ten years.

Explanation.—For the purpose of clause (f), a physically handicapped candidate is one,—

(a) who suffers from—

(i) total absence of sight ; or

(ii) visual acuity not exceeding $3/60$ or $10/200$ (snellen) in the better eye with correcting lenses ; or

(b) in whom the sense of hearing is fully nonfunctional for the ordinary purpose of life ; or

(c) who has physical defect or deformity which causes adequate interference to significantly impede normal functioning of the bones, muscles and joints.

(4) Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons

to be recorded in writing, relax any of the provisions of sub-rules (1) to (3) with respect to any appointment to any service or post made prior to 18th June 1974.

7. Promotion after date of compulsory retirement.—No Government servant who is retained in service after the date of compulsory retirement or superannuation shall be promoted to another post :

Provided that nothing in this rule shall apply to a Government servant who is retained in service after the date of compulsory retirement or superannuation in pursuance of the Government Orders No. GAD 3 DTB 58, dated 14th August 1958 and 5th November 1958.

8. Provision for reservation of appointments or posts—Subject to provisions of sub-rule (3) of rule 9, appointments or posts shall be reserved for the members of the Scheduled Castes, Scheduled Tribes, Backward Tribes and other Backward Classes to such extent and in such manner as may be specified by the Government under clause (4) of article 16 of the Constitution of India.

9. Provision for ex-servicemen.—(1) Notwithstanding anything contained in the rules of recruitment specially made in respect of any service or post, if in such rules of recruitment direct recruitment is prescribed as one of the methods of recruitment, the percentage or number of vacancies set apart for that method shall be reduced by ten per cent or by such number as is equal to ten per cent of the vacancies and the percentage or number so reduced shall be filled by direct recruitment from among ex-servicemen and members of the families of persons who, while serving in the Armed Forces of the Union, were either killed or permanently disabled—

Explanation.—For the purpose of this sub rule “members of the family” means the wife or husband, as the case may be, and children and step children wholly dependent on the person who served in the Armed Forces of the Union.

(2) If sufficient number of suitable persons belonging to the categories mentioned in sub-rule (1) are not available

for filling up the vacancies set apart for them such vacancies shall be filled by direct recruitment.

(3) Orders relating to reservation of vacancies for Scheduled Castes, Scheduled Tribes, Backward Tribes and other Backward Classes issued by the Government under clause (4) of article 16 of the Constitution of India shall not be applicable to recruitment from among persons belonging to the categories mentioned in sub-rule (1).

10. Conditions relating to suitability and certificates of Character.—No person shall be appointed to any service or post unless the appointing authority is satisfied that he is of good character and is in all respects suitable for appointment to Government service. Every candidate selected for direct recruitment shall furnish to the appointing authority certificates, given not more than six months prior to the date of his selection, by two respectable persons unconnected with his college or university, and not related to him testifying to his character, in addition to the certificate or certificates which may be required to be furnished from the educational institution last attended by the candidate. If any doubt arises regarding the suitability of a candidate for appointment to Government service, the decision of the Government shall be final.

11. Procedure in respect of applications by Government servants.—A Government servant applying for an appointment to any service or post shall submit his application through the authority competent to appoint him to the post which he holds at the time of making the application. Such authority shall decide whether the Government servant shall be permitted to apply and such permission shall ordinarily be granted unless the authority considers that the grant of such permission will not be in public interest or will not be consistent with any specific agreement entered into by the applicant with the Government :

Provided that this rule shall not be applicable to a Government servant employed in any department of the

Government as a local candidate as long as he is treated as such.

12. Conditions relating to physical fitness.—No candidate selected for appointment in accordance with the provisions of clause (1) of rule 4 shall be appointed to any post unless he satisfies the appointing authority that he is physically fit to discharge the duties that he may be called upon to perform. He may also be required to appear for the said purpose before such medical authority as the appointing authority may direct and the opinion of the medical authority regarding the fitness of the candidate shall be binding on the candidate.

13. Fees.—Every candidate for direct recruitment to any service or post may be required to pay such fees, if any, as may be prescribed—

(i) by the Commission or other authority making the direct recruitment with the consent of the Government, in respect of his application and examination ; and

(ii) by the Government, in respect of his medical examination :

Provided that in the case of a candidate belonging to a Scheduled Caste or a Scheduled Tribe or a Backward Tribe and a candidate who is a goldsmith certified by the Tahsildar of the taluk in which he is ordinarily resident, as displaced in his business as a result of the Gold Control Order, 1962, or a member of the family of such goldsmith certified as such by the Tahsildar, the fees payable shall be one-fourth of the fees prescribed under this rule.

Explanation —For the purpose of this rule ‘member of the family’ means the father, mother, husband, wife, son or unmarried daughter of the displaced goldsmith wholly dependent on him.

14. Method of recruitment and qualification for certain temporary posts —In the case of any temporary post not included in the cadre of any State Civil Services or to which the rules of recruitment specially made in respect of any service or post are not applicable, the

method of recruitment and the qualifications for recruitment shall be the same as are applicable to the corresponding permanent posts included in any such cadre or in respect of which the said rules of recruitment are applicable

15. Provision for appointment of retired Government servants and for appointment by contract.—(1) Notwithstanding anything contained in these rules or in the rules of recruitment specially made in respect of any service or post, the Government may, if it considers necessary for reasons to be recorded in writing, that it is in public interest so to do—

(a) appoint to a service or a post any person who has retired from the service of the Government, Central Government or any other State Government on such terms and conditions and for such period, as may be necessary, and after consultation with the Commission where such consultation is necessary ;

(b) appoint to the following categories of posts any person who in its opinion is able to discharge the duties of such post on such terms and conditions as may be determined by agreement, for a period not exceeding one year at a time,—

(i) posts of Heads of Departments when suitable officers are not available for appointment, according to the rules of recruitment applicable to the posts ;

(ii) posts requiring technical qualifications and carrying a minimum pay of not less than rupees one thousand and five hundred per month ;

(iii) posts in the personal establishment of a Minister, a Minister of State or a Deputy Minister ;

(2) The total period of appointment of any person or the total period of appointment in any post under clause (b) of sub-rule (1) shall not exceed five years :

Provided that appointments to posts mentioned in sub-clause (iii) of clause (b) of sub-rule (1) may be made for a period co-terminus with the tenure of office of the

Minister, the Minister of State or the Deputy Minister concerned.

(4) Notwithstanding anything contained in clause (b) of sub rule (1) a person in the service of the Government shall not be eligible for appointment under the said clause.

16. Relaxation of rules relating to appointment and qualifications.—Notwithstanding anything contained in these rules or the rules of recruitment specially made in respect of any service or post, the Government may, for reasons to be recorded in writing,—

(a) appoint to a post—

(i) an officer of the Defence Services, an All India Service or a Civil Service of the Union, or the Civil Service of any other State ;

(ii) an officer holding a post of an equivalent grade, by transfer or by deputation from any other service of the State for recruitment to which these rules apply ;

(iii) an officer who by bodily infirmity is permanently incapacitated for the post which he holds ;

provided that appointment under this sub-clause shall not be —

(1) to a post lower than that held by such officer save with his consent ;

(2) to a post higher than the post held by such officer except when the Government is of the opinion that there is no other equivalent post to which such officer can be appointed ;

(iv) in the State Civil Services Class I, on deputation, a person with specialised qualifications in the service of a University established by law in India and holding an equivalent post for such period not exceeding five years and on such terms as the Government may in each case determine ;

(b) relax, by notification, for such period as may be specified therein, the qualifications prescribed for purposes of direct recruitment in the rules of recruitment specially

made in respect of any service or post, if candidates possessing the prescribed qualifications are not available :

Provided that in the case of a post for which recruitment is required to be made in consultation with the Commission, such relaxation shall not be made except after consulting the Commission.

17. Appointment by direct recruitment or by promotion in certain cases.—Notwithstanding anything contained in these rules or in the rules of recruitment specially made in respect of any service or post, the appointing authority may—

(a) fill by direct recruitment a vacancy reserved to be filled by promotion when it is satisfied that the persons eligible to be considered for promotion are not fit to be so promoted ; or

(b) fill by promotion a vacancy required to be filled by direct recruitment when such vacancy is not likely to last for more than one year ; or

(c) fill by promotion temporarily on the basis of seniority-cum-merit a vacancy required to be filled by direct recruitment where selection to the post has not been finally made and there is likelihood of delay in making direct recruitment. No such promotion shall be made unless a requisition has been sent to the Commission or to the appropriate recruiting authority for selection of a suitable candidate. A candidate temporarily promoted under this sub-rule shall not have any preferential claim for regular promotion and also shall not count the period of service in the promoted post for seniority ; he shall revert to his original post on the expiry of one year or on the appointment of a direct recruit whichever is earlier :

Provided that when any promotion is required to be made in consultation with the Commission, the promotion shall be made after such consultation.

18. Joining time for appointment.—(1) A candidate appointed by direct recruitment shall assume charge of the post specified by the appointing authority as soon as

possible after the date of the order of appointment, but not later than forty-five days from this date.

Explanation.—For the purposes of this sub-rule “the date of the order of appointment” means the date of despatch of the order of appointment by registered post to the address given by the candidate.

(2) Notwithstanding anything contained in sub-rule (1), the appointing authority may, on the application of the candidate and if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as it may deem necessary.

(3) The name of the candidate who fails to assume charge of the post within the time specified in sub-rule (1) or within the further time granted under sub-rule (2) shall stand deleted from the list of selected candidates and the candidate concerned shall cease to be eligible for appointment.

19. Probation and appointments by promotion.—(1) All appointments by direct recruitment to any service or post shall be on probation for such period, not being less than two years, as may be provided for in the rules specially made in respect of such service or post :

Provided that where no period of probation or a period of probation of less than two years is specified in the rules of recruitment, the period of probation shall, notwithstanding anything contained in such rules, be two years :

Provided further that the Government may, by order,—

(i) waive the period of probation of a person if he has discharged for a period of two years the duties of the post to which he is appointed or of a post the duties of which are, in the opinion of the Government, similar or equivalent to those of such post ; or

(ii) reduce the period of probation of person by such period not exceeding the period during which he has discharged the duties of the post to which he was appointed or of a post the duties of which are, in the opinion of

the Government, similar or equivalent to those of such post.

(2) Nothing contained in sub-rule (1) shall be applicable to persons recruited under the Karnataka District Judges (Recruitment) Rules- 1962.

(3) (a) Save as otherwise provided in the rules of recruitment relating to any service or post and subject to the proviso to clause (f) all appointments by promotion shall be on an officiating basis for a period of one year, which may, for reasons to be recorded in writing, be extended by the appointing authority by a period not exceeding one year:

Provided that the Government may, by order,—

(i) waive the period of officiation of a person if he has already discharged for a period of one year the duties of the post to which he is promoted ; or

(ii) reduce the period of officiation of a person by such period not exceeding the period during which he has discharged the duties of such post.

(b) At the end of the period of officiation or the reduced or extended period of officiation, as the case may be, the appointing authority shall consider the suitability of the person so promoted to hold the post to which he was promoted.

(c) If the appointing authority considers that the work of the person so promoted during the period of officiation or the reduced or extended period of officiation is satisfactory, it shall, as soon as possible, issue an order declaring the person to have satisfactorily completed the period of officiation. Such an order, shall have effect from the date of the expiry of the period of officiation or the reduced or extended period of officiation, as the case may be.

(d) If at the end of the period of officiation or the extended period of officiation under clause (a), as the case may be, the appointing authority considers that the person is not suitable for the post to which he is promoted it shall, by order, revert the person to the post which he held prior to his promotion.

(e) A person shall not be considered to have satisfactorily completed the period of officiation, unless a specific order to that effect is passed. Any delay in the issue of an order under clause (c) or clause (d) of this sub-rule, shall not entitle the person to be deemed to have satisfactorily completed the period of officiation.

(f) A person who has been declared to have satisfactorily completed his officiation under clause (c) shall be confirmed as a full member of the service in the class or category for which he was promoted at the earliest opportunity in any substantive vacancy which may exist or arise in the permanent cadre of such class or category:

Provided that where the appointment is made by promotion to a temporary post in any service, the person concerned shall be continued on an officiating basis in the temporary post.

(4) Notwithstanding anything contained in any other rules made under the proviso to article 309 of the Constitution of India no person whose period of probation or officiation has been either waived or reduced under the second proviso to sub-rule (1) or as the case may be, the proviso to clause (a) of sub-rule (3) shall be eligible for confirmation till the expiry of the period of probation or officiation as the case may be, but for such waiver or reduction.

20. Misconduct.—A candidate found guilty of impersonation or of submitting fabricated documents or documents which have been tampered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in an examination conducted for purposes of recruitment or otherwise resorting to any other irregular or improper means in connection with his recruitment may, in addition to rendering himself liable to a criminal prosecution and to disciplinary action, be debarred either permanently or for a specified period—

(a) by the Commission or other recruiting or examining authority from admission to any examination or

appearing for any interview for selection of candidates ;
and

(b) by the Government from employment under it.

21. Repeal.—(1) The Karnataka State Civil Service (General Recruitment) Rules, 1957 are hereby repealed :

Provided that the said repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder or affect any right, liability or obligation acquired, accrued or incurred under the said rules.

(2) Any reference in any rule or order to the rules repealed by sub-rule (1) shall be construed as a reference to these rules.

(3) All proceedings commenced under the rules repealed by sub-rule (1) and pending on the date of commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules.

GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka,

N. P. JOSHI,

*Deputy Secretary to Government,
Department of Cabinet Affairs and Department of
Personnel and Administrative Reforms (Service Rules).*

KARNATAKA CIVIL SERVICES (PROBATION) RULES, 1977

NOTIFICATION

No. DPAR 57 SRR 75, dated 25th June 1977.

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Karnataka hereby makes the following rules, namely:—

1. Title and commencement.—(1) These rules may be called the Karnataka Civil Services (Probation) Rules, 1977.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires.—

(1) “appointed on probation” means appointed on trial.

(2) ‘probationer’ means a Government servant on probation.

3. Period of Probation.—The period of probation shall be as may be provided for in the rules of recruitment specially made for any service or post, which shall not be less than two years, excluding the period if any, during which the probationer was on extraordinary leave.

4. Extension or reduction of period of probation.—(1) The period of probation may, for reasons to be recorded, in writing, be extended—

(i) by the Governor or the Government by such period as he or it deems fit ;

(ii) by any other appointing authority by such period not exceeding half the prescribed period of probation :

Provided that if within the prescribed or extended period of probation, a probationer has appeared for any examinations or tests required to be passed during the period of probation and the results thereof are not known before the expiry of such period, then the period of probation shall be deemed to have been extended until the publication of the results of such examinations or tests or of the first of them in which he fails to pass.

(2) The Government may, by order, reduce the period of probation of a probationer by such period not exceeding the period during which he discharged the duties of the post to which he was appointed or of a post the duties of which are, in the opinion of the Government, similar or equivalent to those of such post."

5. Declaration of satisfactory completion of probation etc.—(1) At the end of the prescribed or, as the case may be, the reduced or extended period of probation, the appointing authority shall consider the suitability of the probationer to hold the post to which he was appointed, and—

(a) if it decides that the probationer is suitable to hold the post to which he was appointed and has passed the special examinations or tests, if any, required to be passed during the period of probation it shall, as soon as possible, issue an order declaring the probationer to have satisfactorily completed his probation and such an order shall have effect from the date of the expiry of the prescribed, reduced or extended period of probation ;

(b) if the appointing authority decides that the probationer is not suitable to hold the post to which he was appointed or has not passed the special examinations or special tests, if any, required to be passed during the period of probation, it shall, unless the period of probation is extended under rule 4, by order, discharge him from service.

(2) A probationer shall not be considered to have satisfactorily completed the probation unless a specific order to that effect is passed. Any delay in the issue of an order under sub-rule (1) shall not entitle the probationer to be deemed to have satisfactorily completed his probation.

Note.—In this rule and rule 6 'discharge' in the case of a probationer appointed from another service or post, means reversion to that service or post.

6. Discharge of a probationer during the period of probation.—(1) Notwithstanding anything in rule 5, the appointing authority may, at any time during the period of probation, discharge from service a probationer on grounds arising out of the conditions, if any, imposed by the rules or in the order of appointment, or on account of his unsuitability for the service or post; but the order of discharge except when passed by the Government, shall not be given effect to, till it has been submitted to and confirmed by the next higher authority.

(2) An order discharging a probationer under this rule shall indicate the grounds for the discharge, but no formal proceedings under the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, shall be necessary.

7. Termination for misconduct —No order terminating the services of a probationer, whether during or at the end of the period of probation for any misconduct, shall be passed except in accordance with the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

8. Appeal —No appeal shall lie against an order discharging a probationer under rule 5 or rule 6.

9. Confirmation.—Subject to sub-rule (4) of rule 19 of the Karnataka State Civil Services (General Recruitment) Rules, 1977, a probationer who has been declared to

have satisfactorily completed his probation shall be confirmed at the earliest opportunity in any substantive vacancy which may exist or arise :

Provided that where more than one approved probationer is available for such confirmation, the senior-most approved probationer on the date of vacancy shall be confirmed.

10. Increment and pay.—(1) A probationer appointed at the initial or higher stage of a time scale may draw the increments that fall due during the prescribed or extended period of probation ; he shall not, however, draw any increments after the expiry of such period unless and until he is declared to have satisfactorily completed his probation.

(2) When a probationer is declared to have satisfactorily completed his probation he shall draw, as from the date such order takes effect, the pay he would have drawn had he been allowed the increments for the whole of his service from the date of his appointment on probation.

11. Probation where validity of appointment is questioned.—Notwithstanding anything contained in the preceding rules, where the validity of the appointment of any person as probationer is questioned in any legal proceeding before a court of law, the period of probation of such person shall continue until the final disposal of such proceedings, and pending such disposal, the appointing authority may, if it is satisfied that the probationer has satisfactorily completed the prescribed or extended period of probation, direct that the probationer shall be entitled to draw increment in the scale of pay of the post held by such probationer from such date as may be specified in such direction and increments shall, subject to the other provisions governing the drawal of increments applicable to Government servants generally, be drawn by such probationer accordingly.

12. Repeal.—(1) The Karnataka Government servants' Probation Rules, 1957 are hereby repealed :

Provided that the said repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder or affect any right, liability or obligation acquired, accrued or incurred under the said rules.

(2) Any reference in any rule or order to the rules repealed by sub-rule (1) shall be construed as a reference to these rules.

(3) All proceedings commenced under the rules repealed by sub-rule (1) and pending on the date of commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules.

GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka,

N. P. JOSHI,

*Deputy Secretary to Government,
Department of Cabinet Affairs and Department of
Personnel and Administrative Reforms (Service Rules).*



